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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,612	05/11/2001	Shuntaro Aratani	35.C15346	5348

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NEW YORK, NY 10112

EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,612

Applicant(s)

ARATANI ET AL.

Examiner

BRIAN P. YENKE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments filed 07 March 2005 have been fully considered but they are not persuasive.

Applicant's Arguments

a) Applicant states that while Sturgeon may provide the ability for a TV to display both TV and computer signals on the same screen, Sturgeon is not seen to include controlling a connecting unit of a display apparatus to detect the display apparatus as a monitor of an external apparatus if a first operating mode is selected by a remote controller of the display apparatus, and controlling the connecting unit to detect the display apparatus as a monitor of the display apparatus if a second operating mode is selected by the remote controller.

b) Applicant states that the combination of Hare and Perkes does not disclose controlling a connecting unit of a display apparatus to detect the display apparatus as a monitor of an external apparatus if a first operating mode is selected by a remote controller of the display apparatus, and controlling the connecting unit to detect the display apparatus as a monitor of the display apparatus if a second operating mode is selected by the remote controller.

Examiner's Response

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a) The examiner disagrees. Sturgeon discloses a system which includes a computer subsystem 115 which includes processor unit and storage unit (not shown, col 3, line 4-12), where based upon the viewer's choice (via remote) the user can the display 110 in either a PC mode or a TV mode (col 2, line 22-34), the computer subsystem forms a connection for the display monitor subsystem 110 and convergence functionality module 130 which may receive TV signals. Thus Sturgeon does detect from the remote control selection which apparatus to detect (PC or TV) based on the users selection.

b) The examiner disagrees. The applicant is correct in that Hare does not explicitly recite "a remote controller". Hare does disclose a remote interface extender 26 which can be activated to vary the operational state of the PC (col 9, line 29-38), where the user interface includes a keyboard, mouse, joystick, and activating device (e.g. pushbutton switch) which is used to select the desired mode. When the user located within viewing distance of the TV receiver 4 at a location remote from the PC 2 desires to use PC 2, the user may activate a function button located on interface extender 26 (Fig 1c, col 10, line 13-27). The examiner incorporated Perkes to show the use of a remote controller is a notoriously well known, widely used device which provides the viewer the ability to control (i.e. channel surf, turn-on/off, and to select the appropriate peripheral devices (i.e. DVD, VCR, PC)) desired by the user. Thus the system receives the viewers input and then detects the appropriate apparatus based on the input.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Sturgeon et al., US 5,926,175.

In considering claims 1 and 3,

a) the claimed a remote controller is met by input device 125 (Fig 1) which may comprise any of the following: remote control units, remote track ball/mouse devices, remote pointing devices, wireless or wired keyboards, keyboards integrated with pointing devices, track-balls and the like (col 3, line 50-55).

b) the claimed a display unit is met by display monitor 110 (Fig 1)

c) the claimed a connecting unit.. is met by computer subsystem 115 (Fig 1) which forms a connection for the display monitor subsystem 110 and convergence functionality module 130, where module 130 may comprise a receive for receiving TV signals in any form (such as NTSC, PAL, cable etc) (col 3, line 13-37).

d) the claimed a control unit which controls... is met by subsystem 115 which includes processor unit and storage unit (not shown, col 3, line 4-12), where based upon the viewer's choice (via remote) the user can the display 110 in either a PC mode or a TV mode (col 2, line 22-34).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hare et al., US 6,084,638 in view of Perkes, US 6,373,503.

In considering claims 1 and 3,

a) the claimed display unit is met by TV receiver display 4 (Fig 1)

b) the claimed connecting unit... is met where the TV receiver incorporates a device which receives user command and pointing device input data and couples that input data to the PC via an available radio frequency transmission channel which may be wireless or utilize existing wiring such as the AC wiring within a house (col 2, line 25-38, col 6, line 40-63, Fig 1)

c) the claimed control unit is met where based upon the users desired selection via input interface extender 26, the display may be the video/audio from a remote PC (i.e. videoconferencing, games) or the video/audio of a TV channel, where one mode would be the PC and another mode would be the TV reception. The user can control the TV through a variety of user interface devices including keyboard, mouse, joystick via an user interface extender 26 (col 10, line 12-27). Hare also discloses the PC and TV signal can be displayed in a PIP format, preferably when an embedded address is

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available for extraction (related data via the PC) from the TV signal, by indicating when the PC receives the related data (col 5, line 10-35). Hare also discloses that TV 4 may be used for videoconferencing to display the video obtained from PC 2 (e.g. the internet, public switched telephone network (col 11, line 46-59) and also the TV 4 may be used to play games that are located on PC 2.

However, Hare does not explicitly recite "a remote controller".

Hare does disclose a remote interface extender 26 which can be activated to vary the operational state of the PC (col 9, line 29-38), where the user interface includes a keyboard, mouse, joystick, and activating device (e.g. pushbutton switch) which is used to select the desired mode. When the user located within viewing distance of the TV receiver 4 at a location remote from the PC 2 desires to use PC 2, the user may activate a function button located on interface extender 26 (Fig 1c, col 10, line 13-27).

The use of a remote controller is a notoriously well known, widely used device which provides the viewer the ability to control (i.e. channel surf, turn-on/off, and to select the appropriate peripheral devices (i.e. DVD, VCR, PC)) desired by the user.

The examiner incorporates Perkes, US 6,373,503 which discloses the use of a remote control 40, which is used to select a display of either or both a TV broadcast signal or computer signal (abstract).

Therefore, it would have been obvious to one of ordinary skill in the art to modify/utilize in Hare which discloses a TV display which is able to display TV signals and/or PC signals to utilize a remote controller as done by Perkes, which provides the

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viewer the ability to operate remotely from the TV and PC, while still providing to the viewer the ability to select the desired display (i.e. PC, TV or both) using the remote.

Regarding claims 2 and 4,

The combination of Hare and Perkes do not explicitly recite “disconnects” with regard to connecting/disconnecting the display and the external apparatus (PC).

The combination of Hare and Perkes discloses a system where a TV and a PC (remotely located from the TV) can both be controlled via remote control, where the PC signal (audio/video) may also be displayed on the TV unit, in addition to the user controlling operation of the PC from a remote location. Hare also discloses that the transmission of the signals may be wired or wireless (RF, microwave and IR) and guided transmission media which utilize either dedicated or multi-use transmission lines (e.g. parallel conductor, twisted pair and coaxial cable lines) and/or optical fiber lines (col 6, line 40-63).

Hare also discloses that in the event that the user desires to use the PC at the TV receiver 4, the user may activate a button, where the PC receives the instruction from the user and microcontroller 35 provides a signal to PC 2 or activates a switch which restores PC to active operation from a sleep mode or powered off condition.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify/utilize in Hare and Perkes, which discloses a system where a user is able to control/view a remote PC signal(s)/operation by controlling a TV receiver and display via a remote, by disconnecting the external apparatus (PC) when

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the user only desires to view the TV signals, which would conserve power within the system.

Applicant's Arguments

a) The applicant states that Sturgeon does not include a connection and a control unit that are controllable by a remote control so that they can be switched between a display mode for a TV and a display mode for a PC.

b) The applicant states that Hare does not disclose/suggest that a display of a TV is changed based on a mode selected by a remote controller.

c) The applicant states that Perkes merely discloses a remote controller and does not disclose/suggest anything with regard to controlling a display unit and a connecting unit to operate in two modes.

Examiner's Response

a) The examiner disagrees given the broadest interpretation of the claimed invention.

As stated above in the rejection, Sturgeon discloses a computer subsystem 115 which functions both as the claimed connection unit and control unit, where subsystem 115 can switch between a display utilizing the TV signal or a PC signal, thus anticipating the claimed invention.

b) The examiner agrees, hence the incorporation of the Perkes reference. It should be noted that Hare discloses a controller, however Hare does not explicitly recite a "remote" controller.

c) The examiner agrees that Perkes does not anticipate the invention, where in the event Perkes did anticipate the claims, the examiner would have provided a '102

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rejection using the reference. Perkes was merely incorporated since Hare recited a controller, though Hare did not explicitly recite a conventional "remote controller"—thus the examiner based upon applicant's previous arguments that Perkes did not disclose a remote, incorporated such a reference.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—see newly cited references on attached form PTO-892, most notably US 5,850,340 US 6,724,351, US 6,285,406 and US 6,104,390 which all disclose a monitor/display which can display TV and/or PC signals. In the event the applicant deems the cited prior art (as notably pointed out above) does not anticipate or render claims 1-4 obvious, the examiner requests the applicant to point out the distinction between the applicant's invention and the notable references.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (571)272-7352.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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also allows the submission of Computer Readable Format (CRF) sequence

listings for pending biotechnology patent applications, which were filed in paper form.


BRIAN P. YENKE
Primary Examiner
Art Unit 2614


B.P.Y.

16 June 2005